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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427 | | | | |
| | | | EXAMINER ZIRKER, DANIEL R | |
| | | | ART UNIT | PAPER NUMBER |

1771

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,053

Applicant(s)

PEARSON ET AL.

Examiner

Daniel Zirker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-13, 16-35, 38-41 and 44-59 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 14, 15, 36, 37, 42, 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 3,4,7,13,26,27,30,31,35,41,54-56 and 59 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Robinson et al taken in view of applicant's admissions concerning the reference at page 2, lines 21-26 of the specification, substantially for the reasons set forth in Paragraph No. 3 of Paper No. 012306, together with the following additional observations. More particularly, applicants' amendment changing the lower endpoint of the melt flow rate appears to essentially eliminate only the specific endpoint of 8 grams/10 minutes, but this particular endpoint is believed anticipated by the admission not only with the admitted range "between **about** 2-8 grams/10 minutes", but also when this particular range is initially qualified by the word "typically" present in the admission on line 24. As such the Examiner must strongly disagree with applicants' assertion (Response, page 11, 3rd complete paragraph) that such substrates or backings are "not taught or suggested" by the reference, and he further notes that applicants' arguments that the reference is "not directed at optimizing film properties" is not a valid argument against an anticipation rejection and the claimed structure is either expressly or inherently disclosed.

3. Claims 1,2,5,6,8,11,12,16-25,28,29,32-34,38-40,44-53,57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al taken in view of applicants' admissions cite above, and in further view of Wong et al, cited as evidence of the stated of the art, substantially for the reasons set forth in Paragraph No. 4 of

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Paper No. 012306, together with the following additional observations. More particularly, Wong et al is relied upon as disclosing such well known elements in the art as the use of tape dispensers, as well as (e.g. Col 2, line 59-Col 3, line 7) the knowledge that the properties of isotactic polypropylene tape backings can be formed from a wide variety of such films having significantly differing properties. The Examiner does, however, note that Robinson et al as construed by the aforementioned admissions may not have sufficient motivation to significantly change the melt flow index as is set forth in several of applicants' dependent claims, but it is still believed to be more than adequate to at least render obvious isotactic polypropylene films and adhesive tapes which have film backings "greater than 8 grams/10 minutes", i.e. the lower endpoint of the melt index range. Finally, as regards applicants' contention that Robinson et al is not directed at the optimization of film properties, while it is indeed true that the central focus of the reference is improving the bond of the adhesive to the film backing, the reference is under no obligation to ignore the great amount of expertise in this technically sophisticated art, such as that which discusses a great many of well and not so well known film parameters set forth in the first two columns of the reference, as well as the corresponding type of disclosure found in Wong et al.

4. Claims 3,4,13,26,27,30,31,35,41,54-56, and 59 are each objected to as being dependent upon a rejected base claim.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00 . The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daniel Zirker
Primary Examiner
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized 'Z'.